

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
V.	§	Criminal No. 3:17-cr-169
SAID AZZAM MOHAMAD RAHIM	§	Judge Jane J. Boyle

DEFENDANT SAID AZZAM MOHAMAD RAHIM'S MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the Defendant, SAID AZZAM MOHAMAD RAHIM, by and through undersigned counsel and files this his Motion in Limine asking the Court to order the United States Government not to sponsor any testimony from any witness or offer any evidence until such time as they approach the bench and request a hearing outside the presence of the jury to determine the admissibility of evidence on the following:

1. Any evidence of prior bad acts, criminal offenses, arrests or others acts of alleged misconduct with which Defendant has not been charged Pursuant to Federal Rule of Evidence 404(b).
2. Both Rule 16 of the Federal Rules of Criminal Procedure and this Court's discovery order direct the Government to provide summaries of any expert testimony it intends to offer at trial. *See* Doc. No. 82 at A(2). Those summaries should assist counsel for the defense in preparing to answer the expert testimony and in assessing its reliability. The summaries also help prevent unfair surprise and trial by ambush.

Undersigned counsel has relied on the notice and summary provided by the Government on March 17, 2019, in the preparation of their defense. Any expert testimony or evidence not reflected in those summaries should be excluded. This Court's order provides for exclusion of this expert testimony, and Rule 16 permits exclusion. *See Taylor v. Illinois*, 484 U.S. 400, 401–02 (1988) (exclusion of witness whose name did not appear on party's response to discovery request may be appropriate sanction); see also FED. R. CRIM. P. 16(d)(2).

3. That the Defendant may have possessed or sold firearms, ammunition or other illegal weapons.
4. That the Defendant operated or owned a vehicle that was previously used by law enforcement.
5. Referring to terrorist attacks that are not directly at issue in the case.
6. Referring to other terrorist organizations other than ISIS.
7. Any and all co-conspirator statements unless and until the Court has determined that the evidence has established the possible existence of a conspiracy.
8. Any and all references, whether direct or implied, to the filing of this Motion or the rulings thereon.

II.

WHEREFORE, Defendants respectfully prays that their Motion in Limine be granted. Further, Defendant respectfully prays that the Court instruct the government not to sponsor any of the above testimony or evidence from any witness until such time as they approach the bench and request a hearing outside the presence of the jury to determine the admissibility of such evidence.

Respectfully submitted,

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COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was delivered to Errin Martin, the Assistant United States Attorney in charge of this case, via CM/ECF, on this the 12th day of April 2019.

/s/ James P. Whalen
JAMES P. WHALEN